

RESOLUTION NUMBER R- 314065

DATE OF FINAL PASSAGE APR 12 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO VACATING VARIOUS PUBLIC SERVICE
EASEMENTS LOCATED AT 9449 FRIARS ROAD -
EASEMENT VACATION NO. 250354 - PROJECT NO. 665002
RELATED TO THE SAN DIEGO STATE UNIVERSITY
MISSION VALLEY CAMPUS.

WHEREAS, the Board of Trustees of the California State University, the State of California acting in its higher education capacity on behalf of San Diego State University (CSU) filed an application to vacate various Public Service Easements, located at 9449 Friars Road, Easement Vacation No. 1330143; and

WHEREAS, San Diego Municipal Code section 125.1010(a) provides a procedure for the vacation of public easements by City staff designated by the City Manager; and

WHEREAS, the easements do not contain public utility facilities; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on April 12, 2022, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that with respect to the various public service easement vacations (Easement Vacation No. 1330143), the Council finds that:

1. There is no present or prospective public use for the easements, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

The easements are public utility easements that are duplicative or the original utility served is no longer in service. There is no present or prospective public use for these easements, either for the facility or purpose for which these easements were originally acquired. The location of the easements to be vacated are depicted on Exhibit B.

2. The public will benefit from the action through improved utilization of the land made available by the vacation.

The public will benefit through the improved use of the land that is facilitated by the vacation. The San Diego State University (SDSU) Mission Valley Campus will provide innumerable benefits for the public, including the provision of the 34-acre San Diego River Park, the provision of approximately 460 affordable homes, the expansion of SDSU to include an additional 15,000 Full Time Equivalent Students which increases access to higher education, and the redevelopment of an underutilized infill site along a transit line which is consistent with the goals and policies of the recently updated Mission Valley Community Plan.

3. The vacation is consistent with any applicable land use plan.

The vacation is consistent with the SDSU Mission Valley Campus Master Plan and Final EIR, as well as the provisions of San Diego Municipal Code section 22.0908(c)(iv) which provides that the sale of the San Diego County Credit Union Stadium Site to SDSU shall require that "the City and SDSU to cooperate to modify or vacate easements or secure lot line adjustments on the Existing Stadium Site ... so that development of the Existing Stadium Site is facilitated."

4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The easements are public utility easements that are duplicative or the utility is no longer in service. Therefore, the purpose for which the easements were originally acquired will not be detrimentally affected by the vacation and where the utility no longer exists the purpose for those easements no longer exists. The location of the easements to be vacated are depicted on Exhibit B.

BE IT FURTHER RESOLVED, that the various public service easements located within The SDSU Mission Valley Site, as more particularly described in the legal description marked as Exhibit A, and shown on Drawing No. 42400-D, marked as Exhibit B, which are by this reference incorporated herein and made a part hereof, are ordered vacated.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Noah J. Brazier
Noah J. Brazier
Deputy City Attorney

NJB:nja
09/14/2021
Or. Dept: DSD
Doc. No.: 2759677

Attachments: Exhibit A – Legal Description
Exhibit B – Drawing No. 42400-D

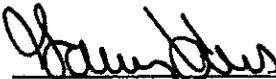
EXHIBIT 'A'
LEGAL DESCRIPTION
WATER EASEMENT VACATION

THAT PORTION OF PARCEL 1 AND PARCEL 2 DESCRIBED IN EXHIBIT 'A' IN GRANT DEED FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AUGUST 13, 2020, AS DOCUMENT NO. 2020-0454902 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THAT 25 FOOT WIDE WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO AS DEDICATED BY RESOLUTION NO. 157200 ADOPTED ON SEPTEMBER 29, 1959 AND RECORDED OCTOBER 06, 1959 AS DOCUMENT NO. 206731 IN BOOK 7920, PAGE 384 OF OFFICIAL RECORDS TO BE VACATED HEREON.

ATTACHED HERETO IS A DRAWING NO. 42400-D AND BY THIS REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYORS' ACT.


GARY L. HUS
LS 7019

08-17-2021
DATE



P.T.S. No. 665002
Dwg. No. 42400-D

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THAT PORTION OF THAT WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED JULY 21, 1959 AS DOCUMENT NO. 147321 IN BOOK 7782, PAGE 64 OF OFFICIAL RECORDS TO BE VACATED HEREON.

EXCEPTING THEREFROM THAT PORTION LYING OUTSIDE SAID PARCEL 1 AND SAID PARCEL 2.

ATTACHED HERETO IS A DRAWING NO. 42400-D AND BY THIS REFERENCE MADE A PART HEREOF.

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EXHIBIT 'A'
LEGAL DESCRIPTION
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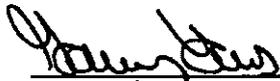
THAT PORTION OF PARCEL 1 AND PARCEL 2 DESCRIBED IN EXHIBIT 'A' IN GRANT DEED FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AUGUST 13, 2020, AS DOCUMENT NO. 2020-0454902 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THAT WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED AUGUST 11, 1959 AS DOCUMENT NO. 163507 IN BOOK 7821, PAGE 556 OF OFFICIAL RECORDS TO BE VACATED HEREON.

EXCEPTING THEREFROM THAT PORTION LYING OUTSIDE SAID PARCEL 1 AND SAID PARCEL 2.

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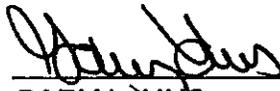
EXHIBIT 'A'
LEGAL DESCRIPTION
SEWER EASEMENT VACATION

THAT PORTION OF PARCEL 1 AND PARCEL 2 DESCRIBED IN EXHIBIT 'A' IN GRANT DEED FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AUGUST 13, 2020, AS DOCUMENT NO. 2020-0454902 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

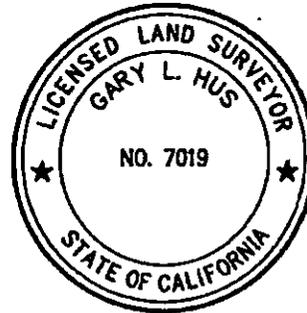
ALL THAT PORTION OF THAT SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO AS DEDICATED BY RESOLUTION NO. 176465 ADOPTED ON JULY 11, 1963 AND RECORDED JULY 12, 1963 AS DOCUMENT NO. 122316 OF OFFICIAL RECORDS TO BE VACATED HEREON.

ATTACHED HERETO IS A DRAWING NO. 42400-D AND BY THIS REFERENCE MADE A PART HEREOF.

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LEGAL DESCRIPTION
SEWER EASEMENT VACATION

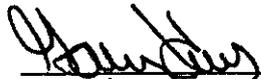
THAT PORTION OF PARCEL 1 AND PARCEL 2 DESCRIBED IN EXHIBIT 'A' IN GRANT DEED FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AUGUST 13, 2020, AS DOCUMENT NO. 2020-0454902 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THAT SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED MAY 15, 1964 AS INSTRUMENT NO. 88464 OF OFFICIAL RECORDS TO BE VACATED HEREON.

EXCEPTING THEREFROM THAT PORTION LYING OUTSIDE SAID PARCEL 1 AND SAID PARCEL 2.

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P.T.S. No. 665002
Dwg. No. 42400-D

EXHIBIT 'A'

LEGAL DESCRIPTION

DRAINAGE, SEWER, WATER & FUEL LINE EASEMENT VACATION

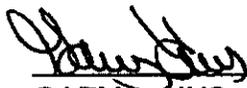
THAT PORTION OF PARCEL 1 AND PARCEL 2 DESCRIBED IN EXHIBIT 'A' IN GRANT DEED FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AUGUST 13, 2020, AS DOCUMENT NO. 2020-0454902 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THOSE VARIOUS DRAINAGE, SEWER, WATER & FUEL LINE EASEMENTS GRANTED TO THE COUNTY OF SAN DIEGO PER DOCUMENT RECORDED APRIL 07, 1966 AS FILE NO. 58668 AND DOCUMENT RECORDED APRIL 07, 1966 AS FILE NO. 58670 AND DOCUMENT RECORDED OCTOBER 06, 1967 AS FILE NO. 154829, ALL OF OFFICIAL RECORDS TO BE VACATED HEREON.

EXCEPTING THEREFROM THAT PORTION LYING OUTSIDE SAID PARCEL 1 AND SAID PARCEL 2.

ATTACHED HERETO IS A DRAWING NO. 42400-D AND BY THIS REFERENCE MADE A PART HEREOF.

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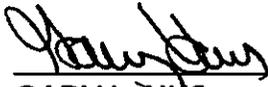
EXHIBIT 'A'
LEGAL DESCRIPTION
PIPE LINE EASEMENT VACATION

THAT PORTION OF PARCEL 1 AND PARCEL 2 DESCRIBED IN EXHIBIT 'A' IN GRANT DEED FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AUGUST 13, 2020, AS DOCUMENT NO. 2020-0454902 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THAT PIPE LINE EASEMENT GRANTED TO THE CITY OF SAN DIEGO AS DEDICATED BY RESOLUTION NO. 191373 ADOPTED ON AUGUST 22, 1967 AND RECORDED OCTOBER 06, 1967 AS DOCUMENT NO. 154832 OF OFFICIAL RECORDS TO BE VACATED HEREON.

ATTACHED HERETO IS A DRAWING NO. 42400-D AND BY THIS REFERENCE MADE A PART HEREOF.

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LS 7019

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EXHIBIT 'A'
LEGAL DESCRIPTION
WATER EASEMENT VACATION

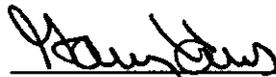
THAT PORTION OF PARCEL 1 AND PARCEL 2 DESCRIBED IN EXHIBIT 'A' IN GRANT DEED FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AUGUST 13, 2020, AS DOCUMENT NO. 2020-0454902 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THAT WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO AS DEDICATED BY RESOLUTION NO. 191374 ADOPTED ON AUGUST 22, 1967 AND RECORDED OCTOBER 06, 1967 AS FILE/PAGE NO. 154833 OF OFFICIAL RECORDS TO BE VACATED HEREON.

EXCEPTING THEREFROM THAT PORTION LYING OUTSIDE SAID PARCEL 1 AND SAID PARCEL 2.

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Passed by the Council of The City of San Diego on APR 12 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 12 2022.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314065